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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,281	09/28/2001	Jerlyn R. Culp	10010685-1	5757

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HEWLETT-PACKARD COMPANY  
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P.O. Box 272400  
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EXAMINER

NAWAZ, ASAD M

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,281	CULP ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Asad M Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 September 2001.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-19 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 28 September 2001 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date . . .  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . .

**DETAILED ACTION**

1. Claims 1-19 are presented for examination. Claims 1-13 were elected. Claims 14-19 are withdrawn from consideration.
2. The Information disclosure statements received on June 16<sup>th</sup>, 2003 and March 8<sup>th</sup>, 2004 have been considered.

***Election/Restrictions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-13, drawn to scheduling of tasks to an individual or group of subscribers., classified in class 705, subclass 9.
  - II. Claims 14-19, drawn to means or steps for changing a format of the data transferred between the computers., classified in class 709, subclass 246.
4. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the calendar data is merely being transferred via a network. The subcombination has separate utility such as converting the calendar data into a predetermined format.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Robert Blaha on November 23, 2004 a provisional election was made with traverse to prosecute the invention of I, claims 1-13. Affirmation of this election must be made by applicant in replying to this Office action. Claim 14-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Specification***

8. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

9. In the *Cross-Reference to Related Applications* section, the attorney docket number is mentioned. Applicant is required to delete this information.

### ***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 12 contains the trademark/trade name PALM TM vCard. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a format and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13 are rejected under 35 U.S.C. 102(b) as being taught by

Rasansky et al (US Patent No. 5,960,406) hereinafter referred to as Rasansky.

As to claim 1, Rasansky teaches a system for collecting calendar information from a predetermined calendar source and distributing calendar data to a subscriber, said system comprising: network interface for connecting to a network; (abstract) a storage memory for storing a subscriber list; (abstract; Figs 1A-1E) controller configured to access a calendar of interest via said network interface and distribute said calendar data to said subscriber in accordance with said subscriber list. (abstract; col 2, lines 2-21, col 7, lines 43-52)

As to claim 2, Rasansky teaches the system of claim 1, wherein said network comprises the Internet. (col 2, line 50; col 4, lines 20-27)

As to claim 3, Rasansky teaches the system of claim 1, wherein said network interface comprises a wireless interface. (col 4, lines 20-27)

As to claim 4, Rasansky teaches the system of claim 1, wherein said calendar of interest comprises a world wide web (WWW) site. (abstract; col 2, lines 22-36)

As to claim 5, Rasansky teaches the system of claim 4, wherein said world wide web site comprises a hyper-text mark-up language (HTML) compliant web site. (abstract; col 2, lines 22-36)

As to claim 6, Rasansky teaches the system of claim 1, wherein said controller accesses said calendar of interest and retrieves predetermined calendar information. (abstract; cols 7 and 8, lines 63-67 and 1-50)

As to claim 7, Rasansky teaches a system for collecting calendar information from a predetermined calendar source and distributing calendar data to a subscriber, said system comprising: network interface for connecting to a network; (abstract)

a storage memory for storing a subscriber list; (abstract; figs 1A-1E)  
controller for accessing a calendar of interest via said network interface and  
distributing said calendar data to a subscriber via said network interface in accordance  
with said subscriber list. (abstract; col 2, lines 2-21, col 7, lines 43-52)

As to claim 8, Rasansky teaches the system of claim 7 wherein said controller  
distributes said calendar data to the subscriber as an e-mail attachment. (col 2, lines 38-  
45; col 8, lines 17-27)

As to claim 9, Rasansky teaches the system of claim 7, wherein said subscriber  
list comprises data identifying the subscriber. (cols 7 and 8, line 563-67 and 1-50)

As to claim 10, Rasansky teaches the system of claim 9, wherein said subscriber  
list further comprises data identifying said calendar of interest. (col 7, lines 43-52)

As to claim 11, Rasansky teaches the system of claim 10, wherein said  
subscriber list further comprises data identifying a predetermined format for compiling  
said calendar data. (col 8, lines 17-27)

As to claim 13, Rasansky teaches the system of claim 7, wherein said controller  
is further configured to carry out direct synchronization of calendar data. (col 4, lines 42-  
55)

### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-  
0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ADVISORY PATENT EXAMINER